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7 Attorneys for Plaintiffs,  
8 BAY AREA PAINTERS AND TAPERS  
PENSION FUND, et al.

9  
10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 BAY AREA PAINTERS AND TAPERS  
13 PENSION TRUST FUND, et al.;

14 Plaintiffs,

15 v.

16 SAINZ DRYWALL INTERIORS dba SAINZ  
17 DRYWALL, INC., a California Corporation,

18 Defendant.

Case No.: C08-5547 SBA

**AMENDED NOTICE OF VOLUNTARY  
DISMISSAL**

19 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), plaintiffs BAY AREA  
20 PAINTERS AND TAPERS PENSION TRUST FUND, et al., voluntarily dismiss, without  
21 prejudice, their claim against defendant SAINZ DRYWALL INTERIORS dba SAINZ  
22 DRYWALL, INC. Defendant has neither served an answer nor moved for summary judgment,  
23 and plaintiffs have not previously filed or dismissed any similar action against defendant.

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1 It is therefore requested that this action be dismissed without prejudice.

2 I declare under penalty of perjury that I am the attorney for the plaintiffs in the above  
3 entitled action, and that the foregoing is true of my own knowledge.

4 Executed this 24<sup>th</sup> day of February, 2009, at San Francisco, California.

5  
6 SALTZMAN & JOHNSON  
7 LAW CORPORATION

8 By: \_\_\_\_\_/s/\_\_\_\_\_  
9 Muriel B. Kaplan  
10 Attorneys for Plaintiffs

11 IT IS SO ORDERED.

12 This case is dismissed without prejudice.

13  
14 Date: 2/26/09

  
UNITED STATES DISTRICT COURT JUDGE

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On February 24, 2009, I served the following document(s):

**AMENDED NOTICE OF VOLUNTARY DISMISSAL**

on the interested parties in said action by First Class U.S. Mail by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Randy A. Sainz  
Agent of Service of Process  
Sainz Drywall, Inc.  
29461 South Chrisman Road  
Tracy, CA 95304**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 24<sup>th</sup> day of February, 2009, at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Qui X. Lu